

AMENDED IN SENATE JULY 8, 2003
AMENDED IN ASSEMBLY MAY 27, 2003
AMENDED IN ASSEMBLY APRIL 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1022

Introduced by Assembly Member Oropeza

February 20, 2003

An act to amend Sections 21455.5 ~~and 21455.6~~, 21455.6, and 21455.7 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Oropeza. Vehicles: automated enforcement systems.

~~Existing~~

(1) *Existing* law authorizes the limitline, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies.

This bill would define the term “operate” for purposes of these provisions and would prohibit a contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment from including a provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment as authorized under these provisions.

The bill would authorize the governmental agency to contract out the operation, as defined, of the system under certain circumstances, except for certain activities that the bill would prohibit from being contracted out to the manufacturer or supplier of the automated enforcement system.

The bill would specify that ~~these~~ *the* provisions *prohibiting the payment or compensation to the manufacturer or supplier based on the number of citations generated or percentage of revenue generated* do not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(2) *Existing law requires at an intersection at which there is an automated enforcement system in operation, the minimum yellow light change interval be established in accordance with the Traffic Manual of the Department of Transportation.*

This bill would specify that the minimum yellow light change intervals relating to designated approach speeds provided in that manual are mandatory minimum yellow light intervals.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21455.5 of the Vehicle Code is amended
2 to read:

3 21455.5. (a) The limit line, the intersection, or a place
4 designated in Section 21455, where a driver is required to stop,
5 may be equipped with an automated enforcement system if the
6 governmental agency utilizing the system meets all of the
7 following requirements:

8 (1) Identifies the system by signs that clearly indicate the
9 system's presence and are visible to traffic approaching from all
10 directions, or posts signs at all major entrances to the city,
11 including, at a minimum, freeways, bridges, and state highway
12 routes.

13 (2) If it locates the system at an intersection, *and* ensures that
14 the system meets the criteria specified in Section 21455.7 ~~and the~~
15 ~~minimum engineering standards set forth in the Traffic Manual of~~
16 ~~the Department of Transportation.~~

~~(3) Prior to installation at an intersection, considers alternative traffic safety strategies for their practicality or likelihood to improve safety, or both, including, but not limited to, all of the following:~~

~~(A) The use of traditional traffic enforcement measures.~~

~~(B) Improvement of the physical environment at the proposed location, including, but not limited to, improved signal placement.~~

~~(C) Changes in the operating parameters of the proposed location and its equipment, including, but not limited to, the use of an all-red signal display.~~

~~(4) Ensures that its guidelines for selection of location include a requirement that there be a demonstrated traffic safety need for installation of the system at the time of installation that is based on vehicle, pedestrian, or bicycle accident rates, or on a documented high rate of violations of Section 21453, 21455, or 22101 where there is a potential for traffic collisions due to a high flow of cross traffic.~~

~~(b) Paragraphs (2), (3), and (4) of subdivision (a) do not apply to a location that is equipped with an automated enforcement system on or before January 1, 2004, unless the system is updated or otherwise modified on or after that date.~~

~~(c).~~

~~(b) Prior to issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.~~

~~(d)~~

~~(c) Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system. As used in this subdivision, "operate" includes all of the following activities:~~

~~(1) Developing uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.~~

~~(2) Performing administrative functions and day-to-day functions, including, but not limited to, all of the following:~~

~~(A) Establishing guidelines for selection of location.~~

1 (B) Ensuring that the equipment is regularly inspected.

2 (C) Certifying that the equipment is properly installed and
3 calibrated, and is operating properly.

4 (D) Regularly inspecting and maintaining warning signs
5 placed under paragraph (1) of subdivision (a).

6 (E) Overseeing the establishment or change of signal phases
7 and the timing thereof.

8 (F) Maintaining controls necessary to assure that only those
9 citations that have been reviewed and approved by law
10 enforcement are delivered to violators.

11 ~~(e)~~

12 (d) The activities listed in subdivision ~~(d)~~ (c) that relate to the
13 operation of the system may be contracted out by the governmental
14 agency, if it maintains overall control and supervision of the
15 system. However, the activities listed in paragraph (1) of, and
16 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,
17 subdivision ~~(d)~~ (c) may not be contracted out to the manufacturer
18 or supplier of the automated enforcement system.

19 ~~(f)~~

20 (e) (1) Notwithstanding Section 6253 of the Government
21 Code, or any other provision of law, photographic records made
22 by an automated enforcement system shall be confidential, and
23 shall be made available only to governmental agencies and law
24 enforcement agencies and only for the purposes of this article.

25 (2) Confidential information obtained from the Department of
26 Motor Vehicles for the administration or enforcement of this
27 article shall be held confidential, and may not be used for any other
28 purpose.

29 (3) Notwithstanding Section 34090 of the Government Code or
30 any other provision of law, the confidential records and
31 information described in paragraphs (1) and (2) may not be
32 retained for a period longer than six months from the date the
33 information was first obtained, or until final disposition of the
34 citation, whichever date is later, after which time the information
35 shall be destroyed in a manner that will preserve the confidentiality
36 of any person included in the record or information.

37 ~~(g) Notwithstanding subdivision (e)~~

38 (f) *Notwithstanding subdivision (d)*, the registered owner or
39 any individual identified by the registered owner as the driver of

1 the vehicle at the time of the alleged violation shall be permitted
2 to review the photographic evidence of the alleged violation.

3 ~~(h)~~

4 (g) (1) A contract between a governmental agency and a
5 manufacturer or supplier of automated enforcement equipment
6 may not include provision for the payment or compensation to the
7 manufacturer or supplier based on the number of citations
8 generated, or as a percentage of the revenue generated, as a result
9 of the use of the equipment authorized under this section.

10 ~~(i) This section~~

11 (2) Paragraph (1) does not apply to a contract that was entered
12 into by a governmental agency and a manufacturer or supplier of
13 automated enforcement equipment before January 1, 2004, unless
14 that contract is renewed, extended, or amended on or after January
15 1, 2004.

16 SEC. 2. Section 21455.6 of the Vehicle Code is amended to
17 read:

18 21455.6. (a) A city council or county board of supervisors
19 shall conduct a public hearing on the proposed use of an automated
20 enforcement system authorized under Section 21455.5 prior to
21 authorizing the city or county to enter into a contract for the use
22 of the system.

23 (b) (1) The activities listed in subdivision ~~(d)~~ (c) of Section
24 21455.5 that relate to the operation of an automated enforcement
25 system may be contracted out by the city or county, except that the
26 activities listed in paragraph (1) of, and subparagraphs (A), (D),
27 (E), or (F) of paragraph (2) of, subdivision ~~(d)~~ (c) of Section
28 21455.5 may not be contracted out to the manufacturer or supplier
29 of the automated enforcement system.

30 (2) Paragraph (1) does not apply to a contract that was entered
31 into by a city or county and a manufacturer or supplier of
32 automated enforcement equipment before January 1, 2004, unless
33 that contract is renewed, extended, or amended on or after January
34 1, 2004.

35 (c) The authorization in Section 21455.5 to use automated
36 enforcement systems does not authorize the use of photo radar for
37 speed enforcement purposes by any jurisdiction.

38 SEC. 3. Section 21455.7 of the Vehicle Code is amended to
39 read:

1 21455.7. (a) At ~~each~~ *an* intersection at which there is an
2 automated enforcement system in operation, the minimum yellow
3 light change interval shall be established in accordance with the
4 Traffic Manual of the Department of Transportation.

5 (b) *For purposes of subdivision (a), the minimum yellow light*
6 *change intervals relating to designated approach speeds provided*
7 *in the Traffic Manual of the Department of Transportation are*
8 *mandatory minimum yellow light intervals.*

